

HOGAN & HARTSON L.L.P.

500 SOUTH GRAND AVENUE
SUITE 1900
LOS ANGELES, CA 90071

Tel.: (213) 337-6700
Fax: (213) 337-6701

IMPORTANT NOTICE
TELECOPY/FACSIMILE COVER LETTER

WASHINGTON, DC
BRUSSELS
BUDAPEST*
LONDON
MOSCOW
PARIS*
PRAGUE*
TOKYO
WARSAW
BALTIMORE, MD
BOULDER, CO
COLORADO SPRINGS, CO
DENVER, CO
IRVINE, CA
MCLEAN, VA
MIAMI, FL
NEW YORK, NY (PARK AVE)
NEW YORK, NY (THIRD AVE)
ROCKVILLE, MD

*Affiliated Office

TO: U.S. Patent and Trademark Office
Examiner: Karen A. Lacourciere
Art Unit: 1635

DATE: November 6, 2003

FROM: Barry M. Shuman

TIME:

TOTAL NO. OF PAGES, INCLUDING COVER: 3

The attached information is CONFIDENTIAL and is intended only for the use of the addressee(s) named above. If the reader of this message is not the intended recipient(s) or the employee or agent responsible for delivering the message to the intended recipient(s), please note that any dissemination, distribution or copying of this communication is strictly prohibited. Anyone who receives this communication in error should notify us immediately by telephone and return the original message to us at the above address via the U.S. Mail.

MESSAGE:

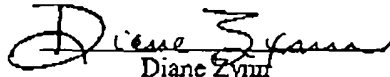
RE: U.S. Patent Application Serial No.: 09/920,342; Attorney Ref: 89188.0022

I hereby certify that the following document:

- Response to Restriction Requirement

is being facsimile transmitted to the Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450, for filing in the above application.

November 6, 2003
Date of Deposit


Diane Zynn

TELECOPY/FAX NUMBER: 703-872-9306

CLIENT NUMBER: 89188.0022

ATTORNEY BILLING NUMBER: 6085

CONFIRMATION NUMBER: (703) 308-7523 (please return fax to Diane Zynn)

RECEIVED
CENTRAL FAX CENTER

NOV 06 2003

OFFICIAL

Patent Application No. 09/920,342
Attorney Docket No. 13761-0754 (89188.0022)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Shi-Lung Lin et al.

Serial No: 09/920,342

Filed: August 1, 2001

For: GENE SILENCING USING MRNA-CDNA
HYBRIDS

Art Unit: 1635

Examiner: Karen A. Lacourciere

I hereby certify that this correspondence
is being transmitted via facsimile to
(703) 872-9306:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450 on
November 6, 2003
Date of Deposit
Diane Zynn
Name
Signature Date 11/06/03

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement dated October 8, 2003, Applicant elects for prosecution the claims of Group III, claims 32-45. In addition, Applicant provisionally elects the β -catenin species for prosecution on the merits. Claims 32-36 and 38-45 are readable on the elected species. Finally, Applicant notes that the election of the β -catenin species is with traverse.

The Examiner has required a restriction to a single species of target gene selected from β -catenin or bcl-2. This restriction requirement is traversed. Applicant believes that the restriction requirement does not comply with MPEP §803, because there would not exist a "a serious burden on the examiner if restriction is not required." The guidelines to MPEP §803 indicate that the *prima facie* of a serious burden may be shown by separate classification, or separate status in the art, or a different field of search. The Examiner failed to make such a showing.

Accordingly, the Examiner is respectfully requested to examine both β -catenin and bcl-2 target genes.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,

HOGAN & HARTSON L.L.P.

Date: November 6, 2003

By: Barry M. Shuman
Barry M. Shuman
Registration No. 50,220

500 South Grand Avenue, Suite 1900
Los Angeles, California 90071
Phone: 213-337-6700
Fax: 213-337-6701